

...\$100,000. Originally the capital stock was \$500,000, represented, Mr. Rockefeller said, property valued on appraisal at about \$500,000 or \$550,000. He became a shareholder then and threw in a suggestion that Mr. Kellogg, with his "brighter mind," as he put it, could arrive at figures which he was unable to do.

What were the dividends in 1907? "About what they have been for the last two or three years. I should say about \$400,000."

Mr. Kellogg read from a record that they had amounted to \$300,000 last year and then reverted to the witness's figures of \$400,000. Mr. Rockefeller interjected to correct him, reminding him that he himself had just said \$300,000, and Mr. Rockefeller added with mock depreciation: "Another million for the poor old Standard!"

What were the earnings of the poor old Standard in 1907? A. I cannot state. Q. Were they about \$800,000? A. I should think they were.

Referring to him that the company had paid in dividends from 1882 to 1907 \$1,250,000, Mr. Rockefeller asked Mr. Kellogg if he thought that indicated a hazardous business.

"I think that the question of profit does not determine the question whether this is a hazardous business," Mr. Rockefeller repeated.

"Is that what you call hazardous business?" asked Mr. Kellogg again.

Mr. Rockefeller asked Mr. Kellogg if he thought the company was in a hazardous business, and Mr. Rockefeller said emphatically:

"Since the construction of our first refinery, fifty years ago, we have been prepared any moment of the day or night to hear the fire alarm. We are dealing in a very explosive product from the crude oil to the last product of distillation. There are constantly occurring accidents, and there has been destruction from the beginning."

Q. The losses from that destruction have been charged to profit and loss? A. Presumably.

Q. The profits I mentioned were over and above that? A. These refining properties are largely all of the appliances which we use in the manufacture and transportation of oil are of a peculiar construction and adapted to this particular business. When we cease to get the product from the ground this that we have spoken of as having a value will have a very different value. It is true that in different periods, the first twenty or thirty years of the business, I presume no man engaged in it felt secure as to getting the oil to refine.

Q. You charged off every year a large depreciation to take care of the loss? A. We have been conservative—with regard as to whether we should wake up each morning to find the oil all gone.

Q. But you've awakened a great many times and found it increasing, haven't you? A. Yes, that we are very thankful, I assure you.

Mr. Kellogg brought up the agreement of October 17, 1877, relating to the rebates paid to the Standard Oil Company by the trunk line railroads, the Standard Oil Company, the Pennsylvania Railroad not less than 2,000,000 barrels of oil as shipments every year. Mr. Kellogg wanted to know why it was necessary for the other trunk line roads to pay to the Standard 10 per cent, in rebates, the percentage which the Pennsylvania agreed to pay, and why the Pennsylvania itself should have paid 10 per cent, Mr. Rockefeller said that from a hurried reading of the agreement, a copy of which Mr. Kellogg had given him, he might say our part of the contract assured the Pennsylvania a certain valuable in guaranteeing large and continuous shipments instead of small and irregular ones.

Mr. Rockefeller continued in response to a further question on the same line: "It was nothing more nor less than what was the practice in those days regarding oil and everything else. A shipper who had large consignments could always get considerations and advantages, especially if he had regard to certain terminal arrangements, and the Pennsylvania was no exception in this regard. Mr. Kellogg asked, 'did you pay freight on any oil that you did not ship? Or did you ship when you did not want to?'

"We shipped oil that we did ship, to which we have preferred not to," said Mr. Rockefeller. "It is impossible for me to say now, after thirty years, what ports, but I know generally that we did ship, to other than those which we would have preferred, that shipments were so directed."

Mr. Kellogg wanted to know who Daniel O'Day was, and Mr. Rockefeller said that he was "well known as Daniel O'Day—oh, yes; Dan was very well known."

Mr. Kellogg read a letter written by O'Day to J. Cassatt, then president of the Pennsylvania Railroad, relating to the payment of 20 cents per barrel to the Standard by all the railroads other than the Pennsylvania, and all oil shipped over their lines and wanting the Pennsylvania to do the same thing.

"Did your company," asked Mr. Kellogg, "receive that 20 cents a barrel on oil shipped by outsiders as well as on oil shipped by the Standard?"

"I could not say."

"Do you know that O'Day and Cassatt testified that your American Transfer Company received the 20 cents per barrel on shipments made by outside shippers?"

"My attention may have been called to that testimony."

"Isn't it true that 20 cents was received?"

"It is true that a contract was made. To what extent the 20 cents was received under it I do not know."

After recess Mr. Rockefeller said that in the early years "our Mr. Flagler," Henry M. Flagler, had charge of the railroad matters of the Standard Oil Company. Mr. Rockefeller had charge of them. Mr. Rockefeller "couldn't say" whether he had testified in 1878 in one of the Pennsylvania suits against the Standard Oil Company or whether Mr. Cassatt testified on that occasion that the Pennsylvania had paid large sums in rebates to the Standard and that the Standard had not paid rebates to the Pennsylvania.

"He didn't recall," whether rebates were paid then or not. He "had nothing to do" with the payments. He had, however, as Mr. Rockefeller reminded him, signed an agreement that the Standard would make known its rates to other roads and that the Standard would not accept further rebates. All Mr. Kellogg could get out of him on this point was that he did not recall the testimony.

"Do you recall the facts?" Mr. Kellogg asked several times, but the answer was essentially that the witness did not recall the testimony. He couldn't remember whether the Pennsylvania refused to give the same rates to other shippers unless those shippers could give them the same amount of shipments as did the Standard.

"How is it," said Mr. Kellogg, "that you could recall the 10 per cent. rebate payments yesterday and cannot today recall these greater and more important payments?"

"Perhaps," said Mr. Rockefeller, "my attention had been called to that matter within a day or two."

Q. Is it true that your company did receive such payments? A. I can't say from my recollection.

Q. Could there have been such a suit to which your company was so much interested, a suit in which your company was accused of conspiring with the Pennsylvania Railroad, and you know nothing of it? A. I may have had general knowledge of it at the time.

Q. Is it true that the New York Central delivered to you at your warehouses at their terminal all oil brought by them to New York for whatever person? A. I do not recollect. It seems from the records (which Mr. Kellogg had handed to him) to be the case. We had a warehouse there. I suppose you made a warehouse there for the warehouse services.

Q. Didn't you in addition to what the railroad paid you make an additional charge to any outsider whose oil was delivered to you at this warehouse? A. I could not tell you from my recollection. It was a minor transaction of thirty years ago. I don't suppose that we performed services for the independents for nothing.

Mr. Rockefeller could not state anything about the National Storage Company except that it had a Jersey City terminal.

terminal. In the New York Central terminal and warehouse contract there was a provision that the Standard people as warehousemen should not make a charge above that of any other concern for warehouse services, and Mr. Rockefeller said he thought that showed the spirit of fairness in the whole business. Said Mr. Kellogg:

"But if you controlled all the other railroad terminals here that would not do any good to the independents, would it?"

"I think," said Mr. Rockefeller, "that we would not be so unwise as to make charges that would not be considered fair by the people engaged in the business."

Q. After your purchase of a number of Cleveland refineries early in the '90s weren't many of them dismantled? A. Presumably some, as time went on.

Q. Why? A. There were too many of them.

Q. Why then were you purchasing more? A. So as to get the most economical manufacture with the closest supervision.

Q. Didn't you dismantle twenty of them in Cleveland? A. I do not recall.

Q. Was there an independent refinery standing in Cleveland in 1878? A. I don't recall.

A five minute recess here did not materially aid Mr. Rockefeller's memory or enhance his ability at direct expression in answering questions. Mr. Kellogg asked him if the public excitement in Pennsylvania to which he had referred in his direct testimony was not due to the differing rates fixed in the railroad agreements. Mr. Rockefeller responded:

"I should say that it was due to a misapprehension about the affair."

He could not, he said, remember for forty years all the conditions that might have wrought upon the minds of all those gentlemen. The door had been open, he said, for all the refiners to come in on the rate and rebate agreement.

Q. What would happen to a refiner who didn't come in? Could he do business with a rebate of \$1.00 against him? A. He could come in. (Smiling.)

Q. What notification was sent to the large number of independent refiners that they could come in? A. I don't recall.

Perhaps the most delightful answer of the day was to come. Mr. Kellogg asked: "Two of the stockholders of Charles Pratt & Co. were Charles Pratt and Henry H. Rogers?"

"I think so," said Mr. Rockefeller, who on his direct examination had given these two gentlemen as stockholders of that company.

Q. Did they sell you their stock or take stock in the Standard Oil Company? A. I do not recall how the legal papers took form.

Q. Isn't it a fact that you and your stockholders became interested with Mr. Rogers and Mr. Pratt in the ownership of that company? A. We bought the entire concern with funds of the Standard Oil Company or by capital shares of the Standard Oil Company of Ohio. In the case of Pratt & Co. stock of the Standard Oil was used.

Q. In the case of Rogers? A. We became possessed of all that Charles Pratt & Co. had, all their property and business.

Q. Did Mr. Pratt and Mr. Rogers retire? A. No.

Q. What did they get? A. Stock of the Standard Oil.

Q. Did they continue to operate Pratt & Co.'s plant? A. I think they did.

Q. For five years didn't they continue to operate that plant and were known to the world as the owners of it? A. I should say so.

Q. Didn't they operate it? A. Yes, as the best persons to do so.

Q. Were they salaried? A. I should say that they received salary considerations from something from the Standard Oil Company.

As to those subjects touched upon by Mr. Kellogg, which had not been mentioned in the direct examination Mr. Rockefeller's attorney called attention to the record to the point that in so far as those parts of Mr. Kellogg's examination was concerned Mr. Rockefeller was not their witness. They entered formal objections to this part of the examination, but in proceedings before a referee in this case, the questions are answered just the same and go before the court in the referee's report, the court passing upon the propriety of the questions. In asking questions outside the direct examination the cross-examiner makes the witness his witness.

MAYOR APPROVES BINGHAM, But Will Not Tell What He Said in the Grand Jury Room in Brooklyn.

Mayor McClellan arrived at the County Court House in Brooklyn at 9:30 A. M. yesterday by way of the subway and ten minutes later, on the appearance of District Attorney Clarke, was escorted to the Grand Jury room for a quizzing in regard to some recent changes made at the local police headquarters by the direction of Commissioner Bingham, who earlier in the week had been examined at considerable length by the Grand Jury.

Mayor McClellan's visit to the Grand Jury room lasted less than twenty minutes. Before taking the subway back to Manhattan he was held up by reporters and when asked as to what had taken place in the Grand Jury room remarked: "The Code of the city is the subject of the Grand Jury room shall be inviolate and I am not going to be one to break the rule. That will have to remain a deep, dark mystery."

"I have approved of the action of Commissioner Bingham in reference to the police situation in Brooklyn," the Mayor replied when he was asked by Police Commissioner of Greater New York.

"Have you investigated the Commissioner's recent acts?"

"I have been investigating Gen. Bingham every day since his appointment in 1902."

"Do you approve of everything he has done?"

"But Gen. Bingham is doing the very best that any man could possibly do."

After the departure of the Mayor a committee of reporters, who had combined themselves at the door of the Grand Jury room with a request that they be admitted and protest in behalf of 13,000 engineers and firemen against the abolition of the local boiler license bureau and its transfer to Manhattan. The committee was instructed to return at noon on Monday.

CITY MUST PAY STRIKE LOSS. Railroad's \$100,000 Judgment Against Chicago Affirmed.

OTTAWA, Ill., Nov. 20.—The \$100,000 judgment secured against the city of Chicago by the Pittsburg, Cincinnati, Chicago and St. Louis Railway Company as a result of damages to its property in the memorable strike of 1894 was affirmed by the Appellate Court here today.

A large amount of railway equipment and hundreds of cars of merchandise, many of which belonged to the plaintiff, were destroyed by fire.

Correct Dress for Men

Even if your tailor does fit you, he accomplishes no more than we.

George G. Brown

Brandway, Cor. 36 St.

The chances are that you'll pay him twice as much as we ask for our stylish ready-to-wear suits & overcoats.

George G. Brown

Brandway, Cor. 36 St.

Ever read the above letter? A new one appears from time to time. They are genuine, true, and full of human interest.

WHOLESALE CATTLE KILLING

DRASTIC STEPS TO STAMP OUT FOOT AND MOUTH DISEASE.

New York Herds Quarantined as Well as Pennsylvania's—Sickness Seems to Have Come Via Buffalo—Bars 'Up' Abroad—Dear Meat and Heavy Losses.

WASHINGTON, Nov. 20.—The Bureau of Animal Industry has taken steps to enforce the quarantine proclaimed yesterday by Secretary of Agriculture Wilson in Pennsylvania and New York on account of the prevalence of the foot and mouth disease there. Fifty men have been detailed for duty in New York and sixty in Pennsylvania. Slaughtering cattle, sheep and other ruminants and horses affected is the method adopted to eradicate the disease. The owners of the animals will be compensated. Hay, straw and hides will have to be disinfected before shipment to other States.

The regulations proclaimed provide that during the existence of the quarantine the interstate and foreign transportation movement or trailing or driving of cattle, sheep, other ruminants and swine from the States of Pennsylvania and New York is prohibited.

State officials of Pennsylvania and New York have assured the Department of their hearty cooperation.

This is the second serious outbreak of the disease, the first occurring in New England about six years ago. The Department is making arrangements for pens on railroads where cattle shipped into the two States from other States can be watered and fed without fear of infection.

ALBANY, Nov. 20.—State Commissioner of Agriculture Pearson remained at the Buffalo stock yards today and directed the quarantine against the hoof and mouth disease. Deputy Commissioner Flanders in this city sent notices to all railroads in the State directing disinfection of cars. It is also intended to send immediately letters to the 1,500 registered veterinarians in the State directing them to report promptly to the department the appearance of any suspected cases.

HARRISBURG, Pa., Nov. 20.—Secretary of Agriculture Critchfield today announced that the cattle of ten counties in Pennsylvania are infected with the foot and mouth disease. The State Live Stock Board has established quarantines on cattle shipments in Montour, Northumberland, Union, Snyder, Juniata, Lancaster, Lebanon, Berks, Montgomery, and Crawford counties. This is in conformity to the Federal quarantine.

The killing of infected cattle is going on as rapidly as possible. The national Government is paying two-thirds of the damages and the State one-third. It is learned that farmers throughout Pennsylvania have been notified to keep their cattle and that nearly all the shipments have come through Buffalo, whence most of the original infected cattle have been traced.

Dr. Leonard Pearson, the State veterinarian, said today that the disease was introduced here by a further spread of the cattle plague in this State with the movement starting southeasterly. Outbreaks were reported in Columbia, Lancaster, Montgomery, and Delaware counties, and in Delaware county.

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WOODRUFF TO CALL ON TAFT.

Also Parsons—President-Elect Had a Respite Yesterday.

HOT SPRINGS, Va., Nov. 20.—Mr. Taft was in fine humor to-day. More politicians are coming, but they haven't got here yet, and this was a day of respite.

Chairman Hitchcock of the national committee will be here on Tuesday. Senator Fulton of Oregon, who has been defeated for re-nomination by the Democrat, Chamberlain, is coming next week. If he is looking for a consolation prize Hot Springs will be a disappointment to him. Timothy L. Woodruff suggested to Mr. Taft in Brooklyn that he would like to come, and the President-elect good naturedly encouraged the notion. Herbert Parsons also will be here next week. Mr. Taft will be glad to see him.

Congressman Burton will have another talk with the President-elect to-morrow, from which there may be definite development along the line of the speaker's "up light." Mr. Burton will go to Washington Saturday night.

Senator Nathan Bay Scott of West Virginia paid his farewell call on Mr. Taft to-day. Senator Scott's farewells are in the nature of those once attributed to Patti, but he really went away to-night, for a time at least. He said that his association with Mr. Taft, and the Senator has done a lot of associating, had convinced him that every business man in the country should have a personal acquaintance with the next President. They would then be convinced, he said, from the character of the man, that the next four years are to be years of plenty.

M. E. Ingalls has opened his cottage and will entertain on Thanksgiving the family of the next President, and the C. P. and Henry W. Tafts.

SOCIALIST ROW IN A. F. OF L. There'll Be No "Red Special" Investigation—Gompers to Be Re-elected To-day.

DENVER, Col., Nov. 20.—Practically all of the two sessions of the American Federation of Labor to-day were taken up with a bitter fight between the Socialists and President Gompers.

The Socialists asked to have their campaign fund investigated, Gompers having charged that the Republicans paid for the "Red Special," but the convention refused to accede to the request. The Socialists became so boisterous that Chairman Duncan ordered one to sit down. This was opposed by a delegate who declared for free speech and was squelched only by the declaration of the noon recess.

Delegates of the future will be elected to-morrow morning. It is considered certain that President Gompers and the entire executive council will be re-elected unanimously, with the exception of Daniel J. Keeney, whom there has been such a bitter fight because of his support of Taft in the campaign. Keeney declined to be a candidate owing to the vote of censure passed by the convention.

It was decided by unanimous vote to-day that any member of the executive council who should be elected to the future will abide by the majority rule in all matters and especially politics should resign. Toronto and St. Louis are fighting for the next convention, with Toronto in the lead.

ENGLAND PUTS BARS UP. Cattle and Pigs From New York, New Jersey and Pennsylvania Shut Out.

LONDON, Nov. 20.—Owing to the outbreak of foot and mouth disease the Government has forbidden the importation of cattle, sheep and pigs from the States of New York, Pennsylvania and New Jersey.

Armour's agent here estimates that 25 per cent. of the American shipments will be stopped, but although a slight increase in the price of American meat is possible it will not become operative immediately, as the market is well supplied at present.

Another meat man ridicules the idea of prices being raised. He says that apart from the fact that carcasses can still be imported from South America, the supply of meat is increasing rapidly, and would be easy to replace the shortage from the United States.

LIVERPOOL, Nov. 20.—The quarantining of cattle from Pennsylvania and New York has caused great excitement in the meat trade here. Famine prices are threatened on beef throughout England.

OTTAWA, Nov. 20.—The Department of Agriculture has taken prompt action to safeguard Canadian herds from the possibility of contagion from the foot and mouth disease now prevalent in New York and Pennsylvania. A proclamation was issued a few days ago establishing strict quarantine against Pennsylvania. This has now been rescinded and in its stead a proclamation has been issued quarantining both New York and Pennsylvania both